



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop:
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 16, 2003
Date

RECEIVED

OCT 28 2003

TECHNOLOGY CENTER R3700

William H. Dippert
Registration No. 26,723

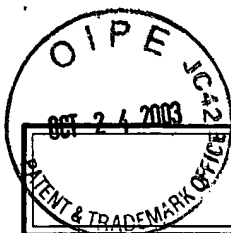
Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Oren Globerman, et al.
Serial No: 09/890,172
Filing Date: July 25, 2001
For: EXPANDABLE INTERVERTEBRAL SPACER
Enclosures: (1) Transmittal Letter (in duplicate); (2) Amendment (18 pages) including last page of interview summary (1 page); (3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

AF
3100



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
110/02239

In Re Application Of: Oren GLOBERMAN et al.

Serial No.
09/890,172

Filing Date
July 25, 2001

Examiner
PREBILIC, P. B.

Group Art Unit
3738

Title: EXPANDABLE INTERVERTEBRAL SPACER

TO THE COMMISSIONER FOR PATENTS:


Transmitted herewith is:

Response to Final Office Action dated August 28, 2003

RECEIVED
OCT 28 2003
TECHNOLOGY CENTER R3700

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.



Signature
Maier FENSTER, Reg. #41,016

Dated: October 16, 2003

William H. Dipper, Esq.
Reed Smith LLP
599 Lexington Avenue, 23th Floor
New York, NY 10022-7650
Tel: (212) 521-5400

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:



10/07/03 TUE 11:15 FAX 703 308 0131

USPTO GP3300

004

Continuation Sheet (PTOL-413)

Application No. 09/890,172

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: We discussed four issues. Mr. Fenster orally proposed some amendments to the claims which appeared to overcome the rejections of record by redefining axial displaced as being along the length of the tube. Discussed Nissenkom as being most relevant of the prior art cited in the Final rejection. Mr. Fenster proposed language to overcome a potential rejection therewith by making the claimed tube normally axially extended. The Examiner thought that this would read on the intermediate (Figure 2) embodiment of Nissenkom. We also discussed the Section 112 rejections and came to a general agreement about what has support in this regard. The Examiner thought that the percentage contact area has original support. Support for claim 113 was not as clear. Mr. Fenster said he would file a response soon.